



Waiver Application Public Comment Webinar

Commonwealth of Kentucky
Cabinet for Health and Family Services
Friday, November 8, 2019

Agenda

-
1. Provide a Brief Recap of the Rate Methodology Study
 2. Overview of the Types of Waiver Changes
 3. Review of Changes across Waivers
 4. Update on Waiver and KAR Process
 5. Opportunities for Stakeholder Engagement
-

RECAP OF RATE METHODOLOGY STUDY

Why DMS Conducted a Rate Methodology Study

During the 1915(c) Home and Community Based Services (HCBS) waiver assessment performed in 2017, it was identified that Kentucky lacked a rate setting methodology for 1915(c) HCBS waiver services and needed to develop a methodology to comply with federal requirements.

Rate-setting methodology must be reviewed (and updated if appropriate) **every 5 years** in accordance with the renewal cycle

Rate Determination Methods:

- Payments for waiver services must be consistent with: 1902(a)30(A) of the Social Security Act
 - *“Payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area”*
- 42 CFR 447.200 – 205
 - *“Plan must describe the policy and the methods used in setting payment rates for each type of service...”*

Source: Medicaid.gov. *Rate Methodology in a FFS HCBS Structure*. February 2016. Available online:
<https://www.medicaid.gov/medicaid/hcbs/downloads/rate-setting-methodology.pdf>

Facts About the Rate Methodology Study

- The proposed rates and rate setting method were established following a year-long rate methodology study.
- DMS contracted with Navigant to provide recommendations and considerations for 1915(c) HCBS waiver redesign.
- DMS decided to consider developing a sound payment and rate-setting methodology, informed by a study of the reasonable and necessary costs incurred by providers to serve waiver participants.
- DMS convened a rate study work group of stakeholders who provided subject-matter expertise and offered input throughout the study.
- The process also included the Legislative Research Commission, who attended workgroup meetings and were briefed throughout the process to promote maximum transparency while completing the study.

HCBS Rate Setting Process Objectives

Rates reflect
individual participant
needs

Rates increase
transparency for
providers and
participants

Rates consider
reasonable and
necessary costs of
providers

Rates provide fiscal
stability for
providers,
participants and the
Commonwealth

TYPES OF WAIVER CHANGES

Key Words Describing Types of Changes

Changes to the services in each waiver are grouped into the following categories to explain the nature of change proposed.

UNCHANGED: Current service did not receive any change other than name standardization or change in proposed rate

UNBUNDLED: Current service includes multiple services, which will receive an individual rate and be billed separately

MODIFIED: Current service resulted in a substantial change in the description and/or requirements

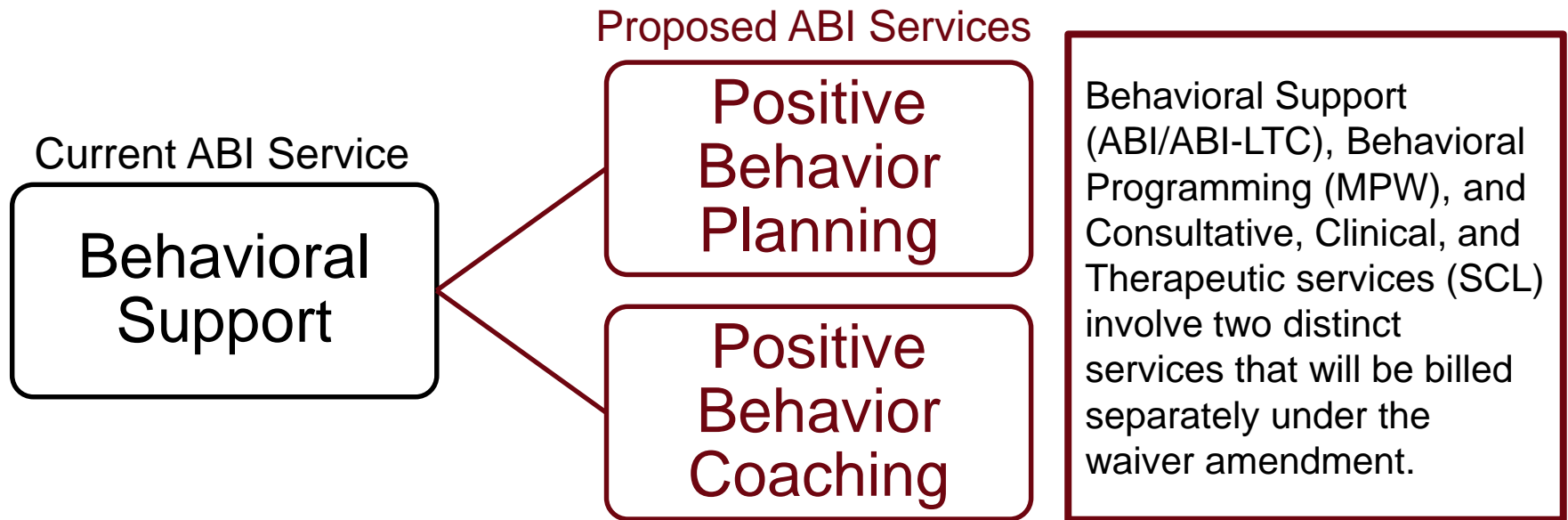
ADDED: Proposed service not previously available in the waiver

REMOVED: Current service withdrawn from the waiver application due to sustained lack of utilization, duplication by other waiver services, or listed in the waiver but never authorized by State regulation

Unbundled Services

Unbundling affected two types of services: behavioral services and home-based services.

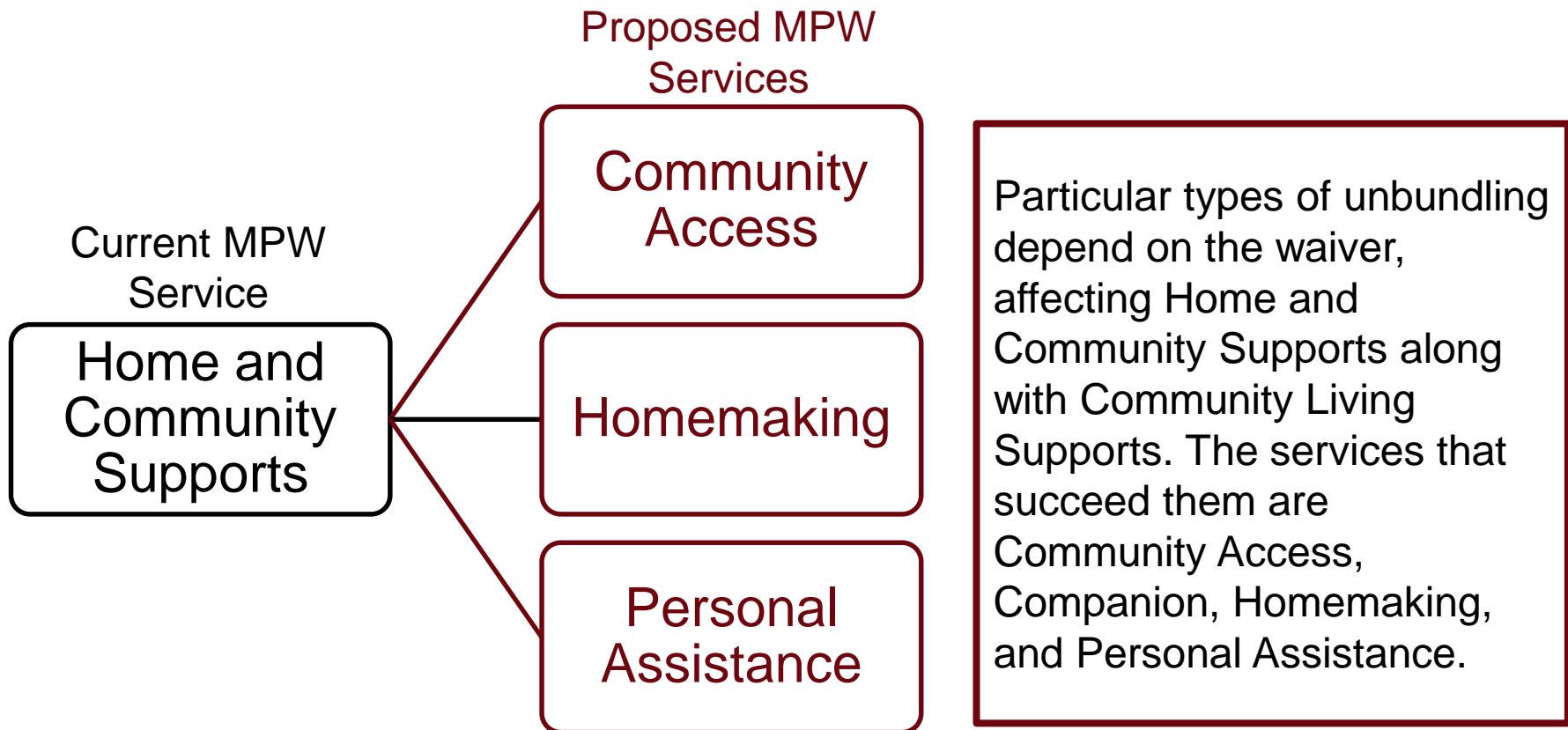
Example: Behavioral Services



Note: Unbundling rates allows the Commonwealth to better target limited resources and help case managers individualize service plans with clearer services. It is also useful in setting rates for services that are difficult to separate by components.

Unbundled Services

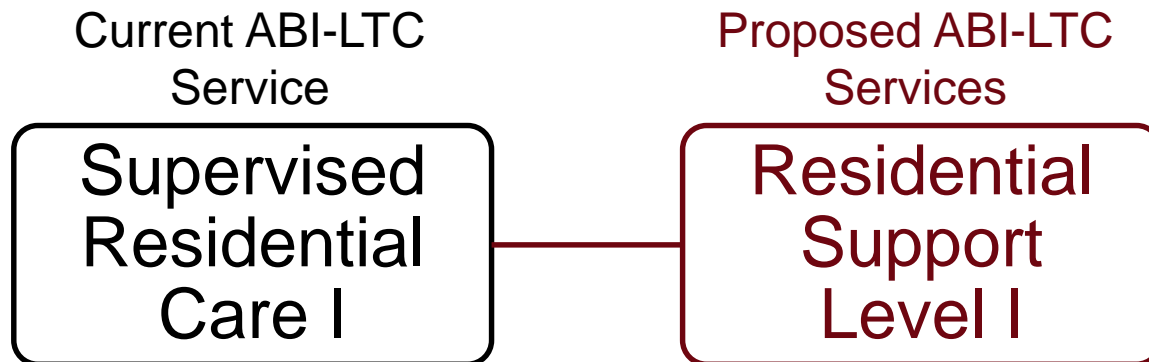
Example: Home-Based Services



Modified Services

Service subject to a substantial change in description or requirements

Example: Residential Services



Due to changes in the residential service tiers currently available in the ABI waivers, the number of residents allowed in Residential Support I was revised, resulting in a substantial change to the service.

Added Services

The SCL waiver will feature services not previously available in this waiver.

Example: Home-Based Services

Proposed SCL Service

Homemaking

The SCL waiver does not currently feature any “bundled” services. Homemaking is available in some form in four of the other waivers and it was added to SCL to support overall standardization of offered home-based services.

Removed Services

Current service withdrawn from the waiver application due to sustained lack of utilization or duplication by other waiver services

Example: Residential Services

Current ABI Service

Supervised
Residential Care
Level III

Supervised Residential Care Level III is an example of a service that will be removed from the ABI and ABI-LTC waivers, due to the fact that this service has not been used for several years.

REVIEW OF CHANGES ACROSS WAIVERS

Acquired Brain Injury (ABI) Waiver

Acquired Brain Injury (ABI) Waiver Services Unchanged				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Adult Day Training	Day Training	Day Training	\$2.43 per 15 mins
2.	Assessment/ Reassessment	Assessment/ Reassessment	Assessment/ Reassessment	\$100.00 per unit
3.	Case Management	Case Management	Case Management	\$346.32 per month
4.	Counseling	Individual Counseling	Individual Counseling	\$22.56 per 15 mins
5.	Environmental and Minor Home Adaptations/ Modifications	Environmental and Minor Home Modifications	Environmental and Minor Home Modifications	N/A
6.	Financial Management Services	Financial Management Services	Financial Management Services	\$100.00 per month
7.	Goods and Services	Goods and Services	Goods and Services	N/A
8.	Group Counseling	Group Counseling	Group Counseling	\$5.59 per 15 mins
9.	Occupational Therapy	Occupational Therapy	Occupational Therapy	\$24.87 per 15 mins
10.	Respite	Non-Specialized Respite	Non-Specialized Respite	\$6.29 per 15 mins
11.	Specialized Medical Equipment	Assistive Technology	Assistive Technology	N/A
12.	Speech Therapy	Speech Therapy	Speech Therapy	\$19.31 per 15 mins
13.	Supervised Residential Care Level II	Residential Support Level II	Residential Support Level II	\$151.60 per day
14.	Supported Employment	Supported Employment	Supported Employment	\$11.05 per 15 mins

Acquired Brain Injury (ABI) Waiver

Acquired Brain Injury (ABI) Waiver Services Unbundled

	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Behavior Programming	Positive Behavior Supports	Positive Behavior Planning	\$32.42 per 15 mins
2.	Behavior Programming	Positive Behavior Supports	Positive Behavior Coaching	\$5.99 per 15 mins
3.	Community Living Supports	Companion Services	Community Access	\$7.00 per 15 mins
4.	Community Living Supports	Companion Services	Companion	\$7.00 per 15 mins
5.	Community Living Supports	Companion Services	Homemaking	\$7.00 per 15 mins
6.	Community Living Supports	Companion Services	Personal Assistance	\$7.00 per 15 mins

Acquired Brain Injury (ABI) Waiver Services Modified

	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Supervised Residential Care Level I	Residential Support Level I	Residential Support Level I*	\$194.36 per day

***Supervised Residential Care Level I** has been renamed to “Residential Support Level I” and was modified to increase the number of participants allowed to live in the home leased or owned by the provider. The number of participants allowed to live in the home increased from no more than three (3) to no more than five (5) participants to allow more flexibility and residential options to serve participants and allows the Department to authorize services to better meet the participant’s PCSP.

Acquired Brain Injury (ABI) Waiver

Acquired Brain Injury (ABI) Waiver Services Removed				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Community Guide**	-	-	-
2.	Supervised Residential Care Level III***	Residential Support Level III	-	-

***Community Guide** is included in the current ABI waiver application but was never approved through the regulatory process and thus never available to use. It has been removed from the proposed ABI waiver amendment to provide an accurate service menu.

****Supervised Residential Care Level III** has not been used since 2015. According to stakeholder feedback received by DMS, the lack of utilization is not due to complication or uncertainty of the service definition. It is because the service is not needed.

ABI-Long Term Care (ABI-LTC) Waiver

Acquired Brain Injury Long-Term Care (ABI-LTC) Waiver Services Unchanged				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Adult Day Health	Adult Day Health	Adult Day Health Care	\$3.04 per 15 mins
2.	Adult Day Training	Day Training	Day Training	\$2.43 per 15 mins
3.	Assessment/ Reassessment	Assessment/ Reassessment	Assessment/ Reassessment	\$100.00 per unit
4.	Conflict Free Case Management	Case Management	Case Management	\$346.32 per month
5.	Counseling	Individual Counseling	Individual Counseling	\$22.56 per 15 mins
6.	Environmental and Minor Home Adaptations/ Modifications	Environmental and Minor Home Modifications	Environmental and Minor Home Modifications	N/A
7.	Financial Management Services	Financial Management Services	Financial Management Services	\$100.00 per month
8.	Goods and Services	Goods and Services	Goods and Services	N/A
9.	Group Counseling	Group Counseling	Group Counseling	\$5.59 per 15 min
10.	Nursing Supports	Nursing Supports	Nursing Supports	\$11.22 for 15 min
11.	Occupational Therapy	Occupational Therapy	Occupational Therapy	\$24.87 per 15 mins
12.	Physical Therapy	Physical Therapy	Physical Therapy	\$23.69 per 15 mins
13.	Respite	Non-specialized Respite	Non-Specialized Respite	\$6.29 per 15 mins
14.	Specialized Medical Equipment	Assistive Technology	Assistive Technology	N/A
15.	Speech Therapy	Speech Therapy	Speech Therapy	\$19.31 per 15 mins
16.	Supervised Residential Care Level II	Residential Support Level II	Residential Support Level II	\$151.60 per day
17.	Supported Employment	Supported Employment	Supported Employment	\$11.05 per 15 mins

ABI-Long Term Care (ABI-LTC) Waiver

Acquired Brain Injury Long-Term Care (ABI-LTC) Waiver Services Unbundled				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Behavioral Health	Positive Behavior Supports	Positive Behavior Coaching	\$5.99 per 15 mins
2.	Behavioral Health	Positive Behavior Supports	Positive Behavior Planning	\$32.42 per 15 mins
3.	Community Living Supports	Companion Services	Community Access	\$7.00 per 15 mins
4.	Community Living Supports	Companion Services	Companion	\$7.00 per 15 mins
5.	Community Living Supports	Companion Services	Homemaking	\$7.00 per 15 mins
6.	Community Living Supports	Companion Services	Personal Assistance	\$7.00 per 15 mins

Acquired Brain Injury Long-Term Care (ABI-LTC) Waiver Services Modified				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Supervised Residential Care Level I	Residential Support Level I	Residential Support Level I	\$194.36 per day

ABI-Long Term Care (ABI-LTC) Waiver

Acquired Brain Injury Long-Term Care (ABI-LTC) Waiver Services Removed				
	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Community Guide*	-	-	-
2.	Family Training**	Natural Supports Training	Goods and Services	-
3.	Family Training**	Natural Supports Training	Individual Counseling	-
4.	Supervised Residential Care Level III***	Residential Support Level III	-	-

* **Community Guide** is included in the current ABI LTC waiver application but was never approved through the regulatory process and thus never available to use. It has been removed from the proposed ABI LTC waiver amendment to provide an accurate service menu.

** **Family Training** is no longer provided as a separate service however participants can continue to request this service through either “Goods and Services” or “Individual Counseling” services.

*** **Supervised Residential Care Level III** has not been used since 2015. According to stakeholder feedback received by the Department, the lack of utilization is not due to complication or uncertainty of the service definition. It is because the service is not needed.

Home and Community Based (HCB) Waiver

Home and Community Based (HCB) Waiver Services Unchanged				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Adult Day Health	Adult Day Health	Adult Day Health Care	\$3.04 (I) / \$5.64 (II) per 15 mins
2.	Attendant Care	Attendant Care	Attendant Care	\$7.00 per 15 mins
3.	Environmental and Minor Home Adaptations	Environmental and Minor Home Modifications	Environmental and Minor Home Modifications	N/A
4.	Goods and Services	Goods and Services	Goods and Services	N/A
5.	Non-Specialized Respite	Non-Specialized Respite	Non-Specialized Respite	\$6.29 per 15 mins
6.	Specialized Respite	Specialized Respite	Specialized Respite	\$11.50 per 15 mins

Home and Community Based (HCB) Waiver

Home and Community Based (HCB) Waiver Services Unbundled				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Conflict-Free Case Management	Case Management	Case Management*	\$346.32 per month
2.	Home and Community Supports	Home and Community Supports	Community Access	\$7.00 per 15 mins
3.	Home and Community Supports	Home and Community Supports	Homemaking	\$7.00 per 15 mins
4.	Home and Community Supports	Home and Community Supports	Personal Assistance	\$7.00 per 15 mins
5.	Participant Directed Coordination	Participant Directed Case Manager (PDCM)	Financial Management Services**	\$100.00 per month

***Case Management** is combination of “Conflict Free Case Management” and “Participant Directed Coordination.” The change is to standardize terms across the six HCBS 1915(c) waiver programs.

****Financial Management Services** is unbundled from “Participant Directed Coordination” and the support broker service that was previously included under the “Conflict Free Case Management” service. The change is to provide services tailored to each participant according to individual needs and the participant’s PCSP.

Home and Community Based (HCB) Waiver Services Modified				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Home Delivered Meals	Home Delivered Meals	Home Delivered Meals***	\$8.56 per meal

*** **Home Delivered Meals** is a current approved waiver service. The service definition has been broadened to allow flexibility as determined by the participant’s PCSP. In addition to meals that are hot, the Department is also adding meals that are shelf stable or frozen in order to accommodate more options for participants.

Model II Waiver

Model II Waiver Services Unchanged

Current Waiver Services		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Skilled Services by a Licensed Practical Nurse (LPN)	Skilled Services by a Licensed Practical Nurse (LPN)	Skilled Services by a Licensed Practical Nurse (LPN)	\$7.64 per 15 mins
2.	Skilled Services by a Registered Nurse (RN)	Skilled Services by a Registered Nurse (RN)	Skilled Services by a Registered Nurse (RN)	\$11.22 per 15 mins
3.	Skilled Services by a Respiratory Therapist (RT)	Skilled Services by a Respiratory Therapist (RT)	Skilled Services by a Respiratory Therapist (RT)	\$10.37 per 15 mins

Michelle P. (MPW) Waiver

Michelle P. (MPW) Waiver Services Unchanged				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Adult Day Health	Adult Day Health	Adult Day Health Care	\$3.04 per 15 mins
2.	Attendant Care	Attendant Care	Attendant Care	\$6.64 per 15 mins
3.	Case Management	Case Management	Case Management	\$346.32 per month
4.	Community Access	Community Access	Community Access*	\$7.00 per 15 mins
5.	Day Training	Day Training	Day Training	\$2.43 per 15 mins
6.	Environmental Accessibility Adaptation Services	Environmental and Minor Home Modifications	Environmental and Minor Home Modifications	N/A
7.	Goods and Services	Goods and Services	Goods and Services	N/A
8.	Homemaker	Homemaking	Homemaking	\$7.00 per 15 mins
9.	Person Centered Coaching	Positive Behavior Coaching	Positive Behavior Coaching	\$5.99 per 15 mins
10.	Personal Care	Personal Assistance	Personal Assistance	\$7.00 per 15 mins
11.	Positive Behavior Supports	Positive Behavior Supports	Positive Behavior Planning	\$32.42 per 15 mins
12.	Respite	Non-Specialized Respite	Non-Specialized Respite	\$6.29 per 15 mins
13.	Supported Employment	Supported Employment	Supported Employment	\$11.05 per 15 mins

***Community Guide** as named is no longer a service. "Community Guide" and "Community Access" were providing duplicate services. "Community Access" will remain as the standardized service name.

Michelle P. (MPW) Waiver

Michelle P. (MPW) Waiver Services Modified			
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019
1.	Financial Management Services	Financial Management Services	Financial Management Services**
			\$100.00 per month

****Financial Management Services** has always been provided as a service. In the current approved waiver, "Financial Management Services" was inadvertently not listed in Appendix C as a separate service however, it is listed in Appendix E as an available service.

Michelle P. (MPW) Waiver

Michelle P. (MPW) Waiver Services Removed*				
Current Service Name		Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Assessment/ Reassessment	-	-	-
2.	Community Transition	-	-	-
3.	Community Guide	-	-	-
4.	Consultative Clinical and Therapeutic Supports	-	-	-
5.	Natural Supports Training	-	-	-
6.	Occupational Therapy	-	-	-
7.	Physical Therapy	-	-	-
8.	Shared Living	-	-	-
9.	Specialized Medical Equipment and Supplies	-	-	-
10.	Speech Therapy	-	-	-
11.	Transportation	-	-	-
12.	Vehicle Adaptation	-	-	-

*Details on next slide

Michelle P. (MPW) Waiver

Removed Services

Several services included in current MPW application were never approved through the regulatory process and thus were never available to use. They have been removed from the proposed MPW amendment to provide an accurate service menu:

- Community Guide
- Community Transition
- Consultative Clinical and Therapeutic Services
- Natural Supports Training
- Shared Living
- Specialized Medical Equipment and Supplies
- Transportation
- Vehicle Adaptation

Occupational, Physical, and Speech Therapy

These therapies will be transitioned out of the MPW. Participants who use occupational, physical, or speech therapy will still be able to access the service using Kentucky's State Medicaid program. CMS does not allow 1915(c) HCBS waivers to offer services that are the same as what is offered in the State Medicaid program. **Occupational, physical and speech therapy offered through Kentucky's State Medicaid program are the same as what was offered through the waiver.** More information on the transition of these therapies from MPW to the State Medicaid program will be shared with stakeholders soon.

Supports for Community Living (SCL) Waiver

Supports for Community Living (SCL) Services Unchanged				
	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
1.	Community Access	Community Access	Community Access*	\$7.00 per 15 mins
2.	Community Transition	Community Transition	Community Transition	N/A
3.	Conflict-Free Case Management	Case Management	Case Management	\$346.32 per month
4.	Day Training	Day Training	Day Training	\$2.43 per 15 mins
5.	Day Training (Licensed ADHC)	Day Training (Licensed ADHC)	Day Training (Licensed ADHC)	\$3.11 per 15 mins
6.	Environmental Accessibility Adaptation Services	Environmental and Minor Home Modifications	Environmental and Minor Home Modifications	N/A
7.	Financial Management Services	Financial Management Services	Financial Management Services	\$100.00 per month
8.	Goods and Services	Goods and Services	Goods and Services**	N/A
9.	Personal Assistance	Personal Assistance	Personal Assistance	\$7.00 per 15 mins
10.	Person Centered Coaching	Personal Coaching	Positive Behavior Coaching	\$5.99 per 15 mins
11.	Positive Behavior Supports	Positive Behavior Planning	Positive Behavior Planning	\$32.42 per 15 mins
12.	Residential Support level I	Residential Support Level I	Residential Support Level I	\$153.74 - \$194.36 per day

Supports for Community Living (SCL) Waiver

Supports for Community Living (SCL) Services Unchanged				
	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
13.	Residential Support Level II	Residential Support Level II	Residential Support Level II	\$85.28 - \$151.60 per day
14.	Respite	Non-Specialized Respite	Non-Specialized Respite	\$6.29 per 15 mins
15.	Shared Living	Shared Living	Shared Living	\$660.00 (max) per month
16.	Specialized Medical Equipment and Supplies	Assistive Technology	Assistive Technology	N/A
17.	Supported Employment	Supported Employment	Supported Employment	\$11.05 per 15 mins
18.	Technology Assisted Residential	Technology Assisted Residential	Technology Assisted Residential	\$105.52 per day
19.	Transportation	Transportation	Transportation	\$291.50 (max) per month
20.	Vehicle Adaptation	Vehicle Adaptation	Vehicle Adaptation	\$6,000.00 (max) per 5 years

***Community Guide** as named is no longer a service. “Community Guide” and “Community Access” were providing duplicate services. “Community Access” will remain as the standardized service name.

Supports for Community Living (SCL) Waiver

Supports for Community Living (SCL) Services Unbundled

	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
20.	Consultative Clinical and Therapeutic Supports	Consultative Clinical and Therapeutic Supports	Individual Counseling	\$22.56 per 15 mins
21.	Consultative Clinical and Therapeutic Supports	Consultative Clinical and Therapeutic Supports	Dietary Services	\$21.05 per 15 mins

Supports for Community Living (SCL) Service Added

	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
22.	Personal Assistance	Personal Assistance	Homemaking	\$7.00 per 15 mins

Supports for Community Living (SCL) Service Removed

	Current Service Name	Proposed Service Name: March 2019	Proposed Service Name: Nov. 2019	Proposed Rate
23.	Natural Supports Training**	Natural Supports Training	-	-

** **Natural Support Training** is no longer provided as a separate service however participants can continue to request this service through "Goods and Services."

UPDATE ON WAIVER AND KAR PROCESS

Waiver Amendment and KAR Status Update



Waiver Amendment Updates

- Final drafts of 1915(c) waiver applications (less Appendices C, I, and J) will be submitted to CMS by December 2019.
 - Appendices C, I, and J will be revised based on public comment, and submitted to CMS in mid-January 2020.
- Waiver effective date is currently targeted for July 1, 2020. The waiver effective date will align with KAR effective date.



KAR Update

- The Office of Legislative and Regulatory Affairs (OLRA) anticipates submitting all updated KARs to the Legislative Research Commission (LRC) in mid-January 2020.

OPPORTUNITIES FOR STAKEHOLDER ENGAGEMENT

Public Comment Period

The 30-day official public comment period began on November 8 for Appendix C, I, and J in each of the six 1915(c) HCBS waivers. A 30-day public comment period is required by CMS for this type of waiver amendment.

Appendix C: Participant
Services

Appendix I: Financial
Accountability

Appendix J: Cost
Neutrality Demonstration

DMS will review and respond to public comments received between November 8, 2019, and December 9, 2019, as part of the process of having the amendments to the 1915(c) HCBS waiver applications approved by CMS.

For more information about the public comment period, please visit:
<https://chfs.ky.gov/agencies/dms/dca/Documents/publiccommentnotice.pdf>

Stakeholder Engagement

Thank you for your valuable input and continued partnership with DMS. We are grateful for your energy and efforts to improve the Kentucky 1915(c) HCBS Waiver Programs.

Please submit questions and comments to DMS at: MedicaidPublicComment@ky.gov